

HOUSE BILL 707

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E4

2003 Regular Session  
3r1465  
CF 3r2130

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By: **Delegates Vallario, Amedori, Barkley, Boutin, Bronrott, Cadden, G. Clagett, Conway, Donoghue, Doory, Dumais, Fulton, Hammen, Healey, Heller, Hixson, Howard, Hubbard, Kach, Love, McDonough, Minnick, Morhaim, O'Donnell, Owings, Rudolph, Sophocleus, and Stocksdale**

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Concurrent Sentences**

3 FOR the purpose of requiring a new sentence to run concurrent with the time served  
4 on the original term when an individual is convicted of a crime committed while  
5 on parole; repealing the requirement that a new sentence run consecutive to the  
6 time served on the original term when an individual is convicted of a crime  
7 committed while on parole; requiring a sentence for a revocation of parole to  
8 begin on the expiration of a certain consecutive term of confinement if parole is  
9 not revoked when a court imposes a certain sentence; prohibiting a certain  
10 defendant from receiving certain credit for time served under certain  
11 circumstances; providing for the application of this Act; and generally relating to  
12 criminal sentences and the revocation of parole under certain circumstances.

13 BY repealing and reenacting, without amendments,  
14 Article - Correctional Services  
15 Section 7-502(b)  
16 Annotated Code of Maryland  
17 (1999 Volume and 2002 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Correctional Services  
20 Section 7-403 and 9-202  
21 Annotated Code of Maryland  
22 (1999 Volume and 2002 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Correctional Services**

2 7-403.

3 (a) If a parolee is convicted of a crime committed while on parole and is  
4 sentenced to an additional term of imprisonment in any correctional facility in this  
5 State, the new sentence shall run [consecutive to] CONCURRENT WITH the time to be  
6 served on the original term unless the judge imposing the new sentence expressly  
7 orders otherwise.

8 (b) If a parolee is convicted in another state of a crime committed while on  
9 parole and is sentenced to serve a term of imprisonment in a correctional facility in  
10 the other state, the Commission shall file with the managing official of the  
11 correctional facility in the other state a declaration of violation of parole to serve as a  
12 detainer on the parolee's release from the correctional facility.

13 7-502.

14 (b) An individual on mandatory supervision is subject to:

15 (1) all laws, rules, regulations, and conditions that apply to parolees; and

16 (2) any special conditions established by a commissioner.

17 9-202.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "Division custody" means confinement resulting from a sentence to  
20 the jurisdiction of the Division of Correction.

21 (3) (i) "Non-Division custody" means any post-sentencing criminal  
22 confinement other than Division custody.

23 (ii) "Non-Division custody" includes confinement resulting from a  
24 sentence to:

25 1. a local correctional facility; or

26 2. a correctional facility in a foreign jurisdiction.

27 (b) (1) A sentence to a term of Division custody that is imposed consecutive  
28 to a term of Non-Division custody shall begin when the individual is released from  
29 Non-Division custody due to the expiration of a sentence, parole, or the application of  
30 diminution credits.

31 (2) A sentence to a term of Non-Division custody that is imposed  
32 consecutive to a term of Division custody shall begin when the individual is released  
33 from Division custody due to the expiration of a sentence, parole, or the application of  
34 diminution credits.

1 (c) (1) A sentence imposed consecutive to a term of confinement for which  
2 the defendant is on parole shall begin:

3 [(1)] (I) if, at the time of sentencing, parole is revoked, on expiration of  
4 the original term of confinement; or

5 [(2)] (II) if parole is not revoked, on the date that the consecutive  
6 sentence was imposed.

7 (2) IF PAROLE IS NOT REVOKED WHEN A COURT IMPOSES A SENTENCE  
8 IMPOSED CONSECUTIVE TO A TERM OF CONFINEMENT FOR WHICH THE DEFENDANT  
9 IS ON PAROLE BUT PAROLE IS SUBSEQUENTLY REVOKED:

10 (I) THE SENTENCE FOR THE REVOCATION SHALL BEGIN ON  
11 EXPIRATION OF THE CONSECUTIVE TERM OF CONFINEMENT IMPOSED BY THE  
12 COURT; AND

13 (II) THE DEFENDANT MAY NOT RECEIVE ANY CREDIT FOR TIME  
14 SERVED ON THE CONSECUTIVE SENTENCE TOWARDS THE SENTENCE FOR THE  
15 REVOCATION.

16 (d) An inmate under a sentence to a term of Division custody that is  
17 concurrent or partially concurrent to a term of Non-Division custody shall be subject  
18 to Division custody immediately on release from Non-Division custody due to the  
19 expiration of a sentence, parole, or the application of diminution credits.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
21 construed to apply only prospectively and may not be applied or interpreted to have  
22 any effect on or application to a crime committed while on parole or mandatory  
23 supervision before the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2003.